

SM EXHIBIT H

1  
2 UNITED STATES DISTRICT COURT  
3 EASTERN DISTRICT OF NEW YORK  
4 - - - - -

5 ADRIAN SCHOOLCRAFT,  
6 Plaintiff,  
7 -against- Index No.  
8 10CIV-6005 (RWS)

9 THE CITY OF NEW YORK, DEPUTY CHIEF  
10 MICHAEL MARINO, Tax Id. 873220,  
Individually and in his Official  
11 Capacity, ASSISTANT CHIEF PATROL  
BOROUGH BROOKLYN NORTH GERALD NELSON,  
12 Tax Id. 912370, Individually and in his  
Official Capacity, DEPUTY INSPECTOR  
STEVEN MAURIELLO, Tax Id. 895117,  
13 Individually and in his Official  
Capacity, CAPTAIN THEODORE LAUTERBORN,  
Tax Id. 897840, Individually and in his  
14 Official Capacity, LIEUTENANT JOSEPH  
GOFF, Tax Id. 894025, Individually and  
15 in his Official Capacity, stg. Frederick  
Sawyer, Shield No. 2576, Individually  
16 and in his Official Capacity, SERGEANT  
KURT DUNCAN, Shield No. 2483,  
17 Individually and in his Official  
Capacity, LIEUTENANT TIMOTHY CAUGHEY,  
18 Tax Id. 885374, Individually and in his  
Official Capacity, SERGEANT SHANTEL  
19 JAMES, Shield No. 3004, and P.O.'s "JOHN  
DOE" 1-50, Individually and in their  
20 Official Capacity (the name John Doe  
being fictitious, as the true names are  
21 presently unknown) (collectively referred  
to as "NYPD defendants"), JAMAICA  
22 HOSPITAL MEDICAL CENTER, DR. ISAK ISAKOV,  
Individually and in his Official  
23 Capacity, DR. LILIAN ALDANA-BERNIER,  
Individually and in her Official Capacity  
24 and JAMAICA HOSPITAL MEDICAL CENTER  
EMPLOYEES "JOHN DOE" # 1-50, Individually  
25

(Continued)

1  
2 and in their Official Capacity (the name  
3 John Doe being fictitious, as the true  
4 names are presently unknown),

5  
6 Defendants.

7 - - - - -x

8 444 Madison Avenue  
9 New York, New York  
10 December 20, 2013  
11 10:16 a.m.

12 VIDEOTAPED DEPOSITION of DEPUTY  
13 INSPECTOR STEVEN MAURIELLO, one of the  
14 Defendants in the above-entitled action,  
15 held at the above time and place, taken  
16 before Margaret Scully-Ayers, a Shorthand  
17 Reporter and Notary Public of the State  
18 of New York, pursuant to the Federal  
19 Rules of Civil Procedure.

20 \* \* \*

1 S. MAURIELLO

2 MR. SMITH: For the record this  
3 a one-page letter, October 28, 2008,  
4 Bates-stamped D819.

5 Q. Is this the letter of reprimand  
6 you were just referring to, Inspector?

7 MR. LEE: Objection to form.  
8 It's a letter of instruction.

9 THE WITNESS: Letter of  
10 instruction, not a reprimand.

11 Q. I wasn't trying to characterize  
12 it. That's what it says, "Re: Letter of  
13 reprimand, letter of instruction."

14 It's the same thing, right?

15 MS. PUBLICKER METTHAM:  
16 Objection.

17 A. Yes. I add that I was promoted  
18 three days after this letter. I was  
19 promoted October 31st, 2008.

20 Q. So this letter didn't  
21 negatively impact your career, right?

22 A. I don't know if we're allowed  
23 to talk about the case.

24 THE WITNESS: Are we allowed to  
25 talk about the case?

1 S. MAURIELLO

2 MR. KRETZ: Answer his question  
3 if you can. If you can't, tell him.

4 A. I believe it did. A letter of  
5 reprimand or instruction in my file so I  
6 was promoted for my hard work and the  
7 precinct's hard work.

8 Q. This was a promotion to CO of  
9 the eight one, right?

10 A. No, I was already CO of the  
11 eight one.

12 Q. What was the promotion that you  
13 got?

14 A. Deputy inspector.

15 Q. When did you receive that  
16 promotion?

17 A. October 31st, 2008.

18 Q. According to this letter of  
19 instruction or letter of reprimand, you  
20 contacted CCRB investigators about an  
21 allegation by a complainant.

22 Do you see that reference  
23 there?

24 A. Yes, I can explain the whole  
25 thing if you want.

1 S. MAURIELLO

2 Q. Is that true that you  
3 telephoned them?

4 A. I returned their phone call,  
5 yes.

6 Q. Can you explain it to me?

7 A. Well, I had nothing to do with  
8 the case. It was an allegation I guess  
9 discourtesy to one of my officers, two  
10 officers that made an arrest.

11 They brought the person inside  
12 the precinct. The person under arrest  
13 was African American. The two officers  
14 that made the arrest were African  
15 American. The desk officer was African  
16 American.

17 Supposedly there was a  
18 discourtesy one of the officers said  
19 something, discourtesy that was witnessed  
20 by everybody. I was there.

21 The mother ends up called the  
22 TS to switch to me and I didn't know.  
23 And I talked to her. I guess she was on  
24 the job. She is not on the job anymore,  
25 a civilian. That was it. I returned --

1 S. MAURIELLO

2 the investigator left three calls on  
3 my -- 'cause I was a witness I guess. I  
4 talked to her. She was in South Carolina  
5 at the time. She had nothing to do with  
6 it.

7 He left three messages with my  
8 secretary, and I called back the guy. I  
9 got his answering machine, if you are  
10 calling about this case, this is what I  
11 was told happened. That's all I said. I  
12 didn't have any interaction with the  
13 civilian complainant.

14 I guess he thought it was  
15 inappropriate for me to put that on the  
16 tape. I wasn't trying to be  
17 inappropriate.

18 Q. The statement in the last  
19 sentence, quote, additionally during one  
20 phone call, you left a voice message on  
21 an answer machine questioning the  
22 veracity of the CCRB investigators's  
23 contact with the complainant, that is  
24 inaccurate?

25 A. All I left on the tape was that

1 S. MAURIELLO

2 this is what happened and that is it. I  
3 wasn't the subject of the CCRB. I had  
4 nothing to do with the CCRB.

5 Q. I understand that.

6 Is the statement here that you  
7 left a voice message questioning the  
8 veracity of the CCRB investigator's  
9 contact, is that an accurate statement?

10 A. I guess it's an accurate  
11 statement.

12 Q. It is an accurate statement?

13 A. I don't know about the  
14 veracity, but, yes.

15 Q. That is the nature of the  
16 concern you were leaving a message, a  
17 voice message, questioning the veracity  
18 of the CCRB investigator's contact with  
19 the complainant.

20 What I want to know is whether  
21 that is true: You did leave a message  
22 questioning that behavior?

23 A. I didn't question the CCRB  
24 investigator's behavior. I just left a  
25 message this is what I was told, that was



1 S. MAURIELLO

2 it, nothing to do with me. I guess the  
3 CCRB investigator maybe thought I was  
4 trying to, you know, prove the cops were  
5 innocent. I don't know.

6 I take fault there was a  
7 misunderstanding, a miscommunication. I  
8 don't think there was anything  
9 intentional or anything -- there was  
10 nothing harsh by me to the investigator.

11 Q. The last paragraph "You are  
12 directed to meet with the commanding  
13 officer control borough Brooklyn North to  
14 discuss this letter. Did you do that?

15 A. Yes, I did.

16 Q. Who did you speak with?

17 A. Chief Nelson.

18 Q. Am I correct that you told me  
19 you never received any other form of  
20 disciplinary action against you, right?

21 A. No. I think I had two CCRBs  
22 about it in my whole career and no  
23 discipline. That was it. I never got  
24 command discipline my whole career up to  
25 these charges.